

## Miriam Lens

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**From:** Sherman Lewis

**Sent:** Monday, October 28, 2013 9:34 AM

**To:** Barbara Halliday; Francisco Zermeno - Forward; Michael Sweeney; CityClerk; Marvin Peixoto; Morad Fakhrai; Al Mendall; Greg Jones; Mark Salinas; Kelly McAdoo; Fran David; David Rizk

**Subject:** Outdoor meal programs

**Attachments:** Outdoor Meal Programs.pdf

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Sherman Lewis

## Outdoor Meal Programs

Outdoor meal programs have been a controversial part of the larger problems of poverty and feeding hungry people in Hayward. The City is supportive of indoor meal and food pantry programs. Hayward spends about \$78,000 for delivery of food from Alameda County Food Bank to six Hayward programs, including the Bridge of Faith Church - Meals of Love Food Give Away Program; the Building Opportunities for Self Sufficiency (BOSS); the Magnolia Women's Shelter; Salvation Army Food Programs; the Seventh Step Foundation Shelter for Men; and the South Hayward Parish Food Pantry. Most meal programs are inside, and mostly for seniors.

Only four indoor meal programs are currently available, covering 3 days per week, and only about \$7,000 per year reaches people who are homeless or hungry in the downtown area. Food stamps do not pay for cooked food, so meal program providers, primarily individuals or small, local faith congregations, bring food for outdoor meals, mainly at Portuguese Park for lunch four days a week. Portuguese Park is a small park on the edge of downtown on the southeast corner of Foothill Blvd. and C St.

In the downtown area, the City has a problem with anti-social behavior, human waste, and solid waste. City parks have overflowing litter containers, used drug paraphernalia, and even furniture and other illegally dumped items, including at Portuguese Park. There are high cleanup costs and risks to public health. Sometimes there is no responsible party, and the City has to assume the costs. The City would like a way, where there is a responsible party, to require it to bear the cleaning costs. The City is considering an ordinance to establish a permitting process for "Food Sharing Events."

How much do outdoor meal programs cause the problem and what can be expected of them? This issue gets mixed in with larger anti-poverty efforts, especially finding indoor space for various programs. This section looks at outdoor meals; the next section looks at the larger efforts.

Many years ago several progressive churches in Hayward organized the South Hayward Parish, which has provided services for the needy and has advocated for them. (510-785-3663, 510-432-7703; [www.southhaywardparish.org](http://www.southhaywardparish.org)) In recent years, its CAN (Community Action Network) program has worked on homelessness issues and has tried to coordinate services for downtown residents.

In early 2013 activists organized a new effort, The Hunger and Homelessness Task Force, which meets on the first Friday of each month at 9 am at the Westminster Outreach Center, 27287 Patrick Avenue, Hayward, 94544, where the South Hayward Parish has offices. A Task Force subcommittee on hunger mobilized opposition to the city's proposed ordinance and in favor of a new indoor facility. The contact for the group is Sara Lamnin, Program Director for Hayward CAN, who works part-time for the South Hayward Parish.

Some outdoor meal events leave messes and others do not. Many food programs take their trash with them and leave a park clean or cleaner than when they arrived. The trash hauler, Waste Management, does extra duty downtown, but still misses some pickups and leaves spillage behind. The human waste problem mostly happens when restrooms are closed overnight.

Meal providers admit to one problem that is hard to handle, occasional unruly behavior by recipients, but the ordinance does not deal with that issue. CAN has been most active at the small, drop-in center at the First United Methodist Church. CAN involves the people on the street in the program, building a feeling of ownership and commitment to higher expectations. They wrote a code of conduct for meal programs, and there have been improvements in behavior, personal responsibility, helping out, and effective interventions to manage behavior.

Such work, however, is very difficult in outdoor locations like Portuguese Park.

The City staff report says that other cities have similar ordinances but there is no detail on how they work. By contrast, some other cities have found collaborative solutions to the same issues, for

example, Seattle ([www.desc.org/connections.html](http://www.desc.org/connections.html)) and Fontana, California, [www.popcenter.org/library/awards/goldstein/1998/98-20\(F\).pdf](http://www.popcenter.org/library/awards/goldstein/1998/98-20(F).pdf).

The City wants food providers to take a free or low cost, online, two hour Food Handler Training and Certification course from the Alameda County Environmental Health Department. This requirement seems reasonable, but the programs have had no food safety problems reported in six years of operation. Some meal programs purchase food from local restaurants.

The City wants separate permits for every event. The cost of the permit would be waived the first year and then be, based on City cost. The ordinance would impose fines for violations “in the Master Fee Schedule” but this schedule has no fines shown for outdoor meal permit, nor does the staff report. Providers would be required to have insurance, provide a \$500 cleaning deposit, reimburse the City for City clean-up costs and give three day advance notice. Food sharing at Giuliani Plaza, Library Park, and city streets, parking and sidewalks would be banned.

“Permittees shall hold no more than one (1) event per month, regardless of location. No location will host more than one (1) event per month.” Since “food sharing events” can only be held in Portuguese Park, Newman Park, and City Hall Plaza, only three (3) “events” are possible per month.

General liability insurance for up to \$1 million could cost between \$500 and \$1,500 per year, but could cost less as additional coverage on an existing insurance policy, for less frequent events, or for events under two hours long. Do the providers have any insurance? We don’t know. Given the lack of claims against providers or against the city for such a low stakes poverty program run by small, marginally funded, non-profit groups, the insurance requirement may not really be needed. Insurance does not bear on cleaning up messes.

The City’s proposed ordinance seems to be misdirected overkill aimed at charitable meal providers and not fairly related to the problem of street waste. The ordinance has six pages covering Findings and Purpose, Definitions, Permit Required, Administrative Penalties, Application Procedure, Event Regulations, Basis for Denying Permit, Revocation of Permits, Administrative Appeals, Appeal Hearing Procedure, and Exemptions. If you give food to someone on city property on a regular basis you, the Permittee, must, among other things, “Agree to indemnify, hold harmless and defend the City from claims arising from negligent acts, omissions or reckless or willful conduct of the Permittee or Permittee’s employees, agents or volunteers related to Permittee’s activities pursuant to the permit.”

A food program with a good publicist could easily stage an event that would make the City look bad in the media. A fictional example: “Uptight City Takes Food Away From Hungry People; Bureaucracy Snares Church Group.”

Giving food to poor people is not a behavior that needs to be so heavily regulated. There should be some simple way to assume innocence until shown guilty, and to stop a program if it leaves a mess until it shows it can clean up. For defense, the provider could take pictures of the site to show it was cleaned up. Food sharing has gotten mixed up with new ordinances also being considered to close parks at night and to control social nuisances, which are reasonable ideas to manage some very real social problems.

[City Council Agenda, Oct. 29, 2003, 2. Introduction of Ordinances Amending the Hayward Municipal Code by Adding Article 13 to Chapter 4 Relating to Food Sharing Events... [www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2013/CCA13PDF/cca102913full.pdf](http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2013/CCA13PDF/cca102913full.pdf). See also City website for Oct. 1 2013 Council meeting.]

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